

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

CRAIG SHIPP

PLAINTIFF

v.

Case No. 4:18-cv-4017

STEVEN ARNOLD; DR.
MIMO LEMDJA; LENORA
TURNER; KINDALL SMITH;
and CORRECT CARE SOLUTIONS, LLC

DEFENDANTS

ORDER

Before the Court is Separate Defendant Steven Arnold's ("Arnold") Motion to Stay Dispositive Motions Deadline. (ECF No. 75). Plaintiff Craig Shipp has responded in opposition to the motion. (ECF No. 76). Separate Defendants Correct Care Solutions, LLC; Mimo Lemdja; Kindall Smith; and Lenora Turner (the "Medical Defendants") have responded in support of the motion. (ECF No. 77). The Court finds the matter ripe for consideration.

On June 18, 2019, Arnold and the Medical Defendants filed separate motions for leave to file amended answers, indicating that they wish to affirmatively plead lack of standing and capacity to sue pursuant to facts discovered after the passage of the amendment deadline. On July 19, 2019, Arnold filed the instant motion, asking the Court to stay the dispositive motions deadline—currently set for July 24, 2019—until the Court rules on the pending motions for leave to amend. Specifically, Arnold asks that, if the Court ultimately grants the pending motions for leave to amend, that the dispositive motions deadline be reset to sixty days after the date the Court grants leave to amend. Arnold alternatively asks that, if the Court denies leave to amend, that the dispositive motions deadline be reset to fourteen days after the date of the denial.¹ The Medical

¹ Thus, although the instant motion is styled as a motion to stay deadlines, it is more akin to a motion requesting

Defendants echo these sentiments and request that the Court grant the instant motion. Plaintiff opposes the motion, arguing that the requested extensions are unnecessary because no legal basis exists for allowing Arnold and the Medical Defendants to amend their answers.

Upon consideration, the Court finds that good cause for the motion has been shown. Plaintiff's opposition to the instant motion is predicated on the assertion that a lack of capacity to sue argument would fail on the merits. This, however, is not the question presently before the Court. Instead, the Court must presently determine only whether an extension of the dispositive motion deadline is warranted. The Court finds that it is.

Accordingly, Arnold's motion (ECF No. 75) is hereby **GRANTED IN PART AND DENIED IN PART**. However, the Court will not grant the full extent of the relief sought by Defendants. If Defendants' motions for leave to amend are granted, the dispositive motions deadline will be extended thirty days from the date leave to amend is given. If Defendants' motions for leave to amend are denied, the dispositive motions deadline will be extended seven days from the date leave to amend is denied.

IT IS SO ORDERED, this 23rd day of July, 2019.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge

extensions of time.